

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTHONY KEVIN FIELDS, #216262
Plaintiff,

v.

ERIC HOLDER
DEBORAH K. CHASANOW
THOMAS FAUST

Defendants.

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* CIVIL ACTION NO. AW-13-cv-1125

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MEMORANDUM

On April 12, 2013, the court received for filing Anthony Kevin Fields's ("Fields") civil rights complaint for damages. Fields is currently detained at the District of Columbia Jail. The allegations go to Fields's arrest, transport across jurisdictional lines, and continued detention on unspecified criminal charges.¹

Fields claims that he was subject to an illegal arrest warrant, search, transport, and detention, when he was arrested in his Maryland home by United States Marshals in November of 2012. He claims that he was placed in a cell in this court's Southern Division and turned over to the District of Columbia ("D.C.") Department of Corrections whose officers took him to the U.S. District Court in the District of Columbia. Fields states that the warrant goes to a charge filed by the United States Parole Commission and he should have seen a judge in Maryland because that is where the charge arose.² He contends that he was illegally transported by D.C. officers without a hearing and he has been locked up for four months. Fields further contends the Warden of the D.C. Jail has no authority to hold him and that he has a heart condition for which he is not obtaining proper treatment.

His action may not proceed. A civil rights claim which raises challenges to the

¹ Fields has filed neither the civil filing fee nor an in forma pauperis motion. In light of the decision of the court, he shall not be required to cure this deficiency.

² The court docket shows that no criminal charges were filed against Fields in this jurisdiction.

constitutionality of incarceration is not appropriate unless and until Fields's charges have been dismissed or declared invalid by a tribunal authorized to make such a determination. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).

Fields claims that he has remained incarcerated for four months without being provided a hearing in this district. His allegations against Defendants are barred by the rule announced in *Heck* as a judgment in Fields's favor would necessarily imply the invalidity of his criminal charges. The *Heck* bar applies whether Fields is still a pre-trial detainee or whether he has already been convicted of the charges for which he is currently incarcerated. *See Smith v. Holtz*, 87 F.3d 108, 113 (3rd Cir. 1996) ("In terms of the conflicts which *Heck* sought to avoid, there is no difference between a conviction which is *outstanding* at the time the civil rights action is instituted and a *potential* conviction on a pending charge that may be entered at some point thereafter.") Therefore, his complaint for damages is barred under the rule of *Heck*. A separate order follows.

Date: April 30, 2013

/s/
Alexander Williams Jr.
United States District Judge